UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,963	02/13/2002	Mark Day	50325-0635	9236

29989 7590 11/02/2006		EXAMINER

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ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *June 9, 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5-9,11-18,20-23,25 and 26* is/are rejected.

7) ☒ Claim(s) *4, 10, 19 and 24* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on June 9, 2006.

Claims 1-26 are pending in the case.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-26 have been considered but are

moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 7-12 are not limited to tangible embodiments. In view of Applicant's disclosure,

specification page 19, lines 7-19, the medium is not limited to tangible embodiments, instead

being defined as including both tangible embodiments (e.g., coaxial cables, copper wire and fiber

optics) and intangible embodiments (e.g., acoustic or light waves, a carrier wave). As such, the

claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the

physical computer media and not a transmission media or other intangible or non-functional

media. For the specification at the bottom, carrier medium and transmission media would be not

statutory but storage media would be statutory.

To expedite a complete examination of the instant application the claims rejected under 35 USC 101 (nonstatutory) above further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6.   Claims 1-3, 5, 7-9, 11, 13-18, 20-21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Soderberg et al (US 6,865,605), hereinafter Soderberg.

Regarding claims 1, 7, and 13-16, as shown in Figures 2-3, Soderberg discloses a method comprising:

receiving, at an application switching component (e.g., front end server 240) from a requesting process (e.g., email client 210), a request for a service among the similar services (e.g., email client system 210 uses front server 240 to request an email content; col. 7: lines 51-58);

sending the request to a first server wherein the request includes data indicating a particular service extension is mandatory (e.g., front end server 240 direct requests for email content of email client A210 to server B260; col. 8: lines 23-25);

receiving, at the application switching component in response to sending the request to the first server, error data that indicates the particular service extension is not available at the first server, wherein in response to receiving the error data from the first server the application switching component does not send the error to the requesting process (e.g., upon receiving a

request, server B260 generates a redirect response indicating the email content for email client A210 now is located at server A250; however, front end server 240 does not pass redirect response back to email client A210; col. 8: lines 24-50); and

in response to receiving the error data, sending the request from the application switching component to a second server of the plurality of servers, wherein the second server is different from the first server (e.g., front-end server 240 reissues the request for email content to server A250; col. 8: lines 28-31).

Regarding claims 5, 11, 20 and 25, Soderberg also discloses sending to the requesting process advertising data indicating that another service that appears to be assembled out of the similar services is available at a network address of the application-switching component (e.g., server B260 generates a redirect response indicating the email content for email client A210 is now located at server A250. Prior to Soderberg, front-end server would pass the redirect response back to email client A210; col. 8: lines 24-31).

Claim Rejections - 35 USC § 103

7.   Claims 2-3, 8-9, 17-18, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soderberg as applied to claims 1, 7, and 14 above, in view of Schneider et al (US 6,678,717), hereinafter Schneider.

Soderberg discloses:

determining at the application switching component whether at least one of the plurality of applications has the particular service extension, if it is, then not sending, to the requesting

process, error data indicating the particular service extension is not available (e.g., upon

receiving a request, server B260 generates a redirect response indicating the email content for

email client A210 now is located at server A250; however, front end server 240 does not pass

redirect response back to email client A210; col. 8: lines 24-50); and

However, Soderberg does not explicitly call for sending to the requesting process error

data indicating the particular service extension is not available if it is determined that none has

the particular service extension.

As shown in Figures 1-5, Schneider teaches sending to the requesting process error data

indicating the particular service extension is not available if it is determined that none has the

particular service extension (e.g., step 228, the IP address is determined to be invalid, a browser

error message is displayed in step 230; col. 11: lines 30-51).

Since it is essential to locate and assess network resources, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to utilize Schneider's teaching

of sending to the requesting process error data indicating a particular service extension is not

available to eliminate the need for a user to perform individual searches and thus improve query

searches.

8.   Claims 6, 12, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Soderberg as applied to claims 1, 7, and 14 above, in view of Berstis et al (US 6,092,100),

hereinafter Berstis.

Soderberg discloses substantially all the claimed limitations except determining whether a timeout period has occurred, and if the timeout period has occurred, then sending to the requesting process, error data.

Berstis discloses determining whether a timeout period has occurred; and if the timeout period has occurred, then sending, to the requesting process, error data (Figure 4; col. 5: line 50 – col. 65).

Since it is highly desirable to correctly identify a target web site, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Berstis' teaching of setting a timeout period in Soderberg's system in order to provide an improved technique to intelligently resolve an incorrect URL in a timely manner.

Allowable Subject Matter

9.   Claims 4, 10, 19 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claims are considered allowable when reading the claims none of the references of record singly or in combination disclose or suggest the combination limitations specified in the independent claims including the request for services is performed by receiving a request formatted according to the SOAP; and the data indicating the particular service extension is mandatory included in a mustUnderstand attribute associated with the particular service extension.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10.   Applicant's amendments necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.
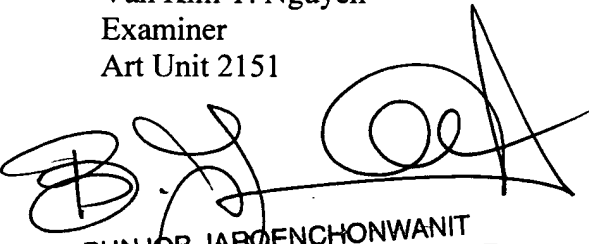
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen
Examiner
Art Unit 2151

vkn

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER